

SEP 08 2005

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AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

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September 8, 2005

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To: U.S. Patent and Trademark Office
Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
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Fax: 571-273-8300

From: Scott A. Stinebruner
Reg. No. 38,323

Re: U.S. Patent Application
Serial No.: 09/659,258
Filed: September 11, 2000
Applicant: Gregory Richard Hintermeister et al.
Art Unit: 2173
Confirmation No.: 5587
Our Ref: IBM/155

Enclosures:

Fax Cover Sheet containing Certificate of
Facsimile Transmission (1 page)
Transmittal containing Certificate of Facsimile
Transmission (1 page)
Communication (2 pages)
Appeal Brief (24 total pages, including cover
sheet, 15 pages Appeal Brief and 8 pages
Claims Appendix)

Pages: 28 (including cover sheet)

MESSAGE/COMMENTS
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Confirmation No. 5587

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory Richard Hintermeister et al. Art Unit: 2173
Serial No.: 09/659,258 Examiner: Namitha Pillai
Filed: September 11, 2000 Atty. Docket No.: IBM/155
For: PICTORIAL-BASED USER INTERFACE MANAGEMENT OF COMPUTER
HARDWARE COMPONENTS

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Cincinnati, Ohio

September 8, 2005

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Sir:

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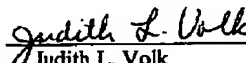
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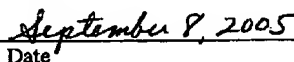
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Judith L. Volk


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Transmittal for Communication and Appeal Brief
IBM Docket: ROC920000132US1
WH&E IBM/155

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Applicant: Gregory Richard Hintermeister et al. Art Unit: 2173
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HARDWARE COMPONENTS

COMMUNICATION

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in reply to the Notice of Non-Compliant Appeal Brief dated August 25, 2005, as well as in response to a telephone interview conducted with the Examiner on September 7, 2005. A revised appeal brief accompanies this communication, and it is respectfully submitted that the revised appeal brief is in compliance with 37 CFR §41.37.

The Examiner indicated in the aforementioned telephone interview that the prior appeal brief was found to not comply with 37 CFR §41.37(c)(1)(v) for failing to provide a concise explanation of the subject matter of each separately argued dependent claim. The revised appeal brief enclosed herewith provides this material, along with appropriate citations to the specification and drawings of the application as filed.

The Notice also seems to indicate that the appeal brief was deficient for failing to identify and support each means plus function and step plus function. However, as Applicants noted to the Examiner in the aforementioned interview, and as the Examiner acknowledged, none of the claims on appeal recite any means plus function or step plus function elements, and as such, the appeal brief is not deficient in this regard. A statement to that effect is also supplied in the revised appeal brief enclosed herewith.

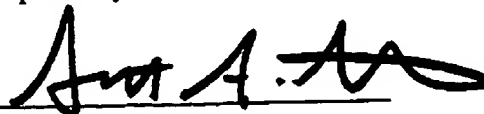
Page 1 of 2
Serial No. 09/659,258
Communication dated September 8, 2005
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If there are any questions regarding this paper, or which might otherwise further this case onto allowance, please contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

8 SEP 2005

Date

Respectfully submitted,



Scott A. Stinebruner

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